

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED REFINING COMPANY

Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURG, PA,

ALLIANZ GLOBAL RISKS US  
INSURANCE COMPANY,

CERTAIN UNDERWRITERS AT LLOYD'S  
OF LONDON AND LONDON MARKET  
INSURANCE COMPANIES,

XL INSURANCE (BERMUDA) LTD,

SWISS RE INTERNATIONAL SE,

CHARTIS, and,

CRAWFORD & COMPANY d/b/a  
CRAWFORD GLOBAL TECHNICAL  
SERVICES,

Defendants.

**CIVIL ACTION**

**NO.: 2:13-cv-00909-CDJ**

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_, 2013, upon consideration of the briefs, exhibits, and oral argument presented by the parties in conjunction with the Defendants' Motion to Dismiss, **IT IS HEREBY ORDERED** that:

All counts in the Amended Complaint against all Defendants are **DISMISSED** pursuant to the arbitration provisions in the subject Policies, and **DISMISSED** for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

Counts II and III of the Amended Complaint for Intentional Interference with Contractual Relations against Defendants Chartis Claims, Crawford and National Union are **DISMISSED** for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

Count IV of the Amended Complaint for Violation of the Pennsylvania Bad Faith Statute against the Insurer Defendants is dismissed because New York law applies.

All counts in the Amended Complaint against Certain Underwriters at Lloyd's of London Subscribing to AJN0093509A09 (Syndicate 1183); Certain Underwriters at Lloyd's of London Subscribing to EL900296 (Syndicates 2003, 2987, 9129); Great Lakes Reinsurance (UK) PLC; Infrassure, Ltd.; General Security Indemnity Company of Arizona; Torus Insurance (UK) Ltd.; Paris Re Holdings, Ltd. and Glacier Insurance are **DISMISSED** pursuant to Fed. R. Civ. P. 12(b)(6) because United did not commence the lawsuit against them within the 12-month time limitation in the Policy.

BY THE COURT:

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C. DARNELL JONES, II  
UNITED STATES DISTRICT JUDGE